

Center for **Children's** Advocacy

University of Connecticut School of Law
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TESTIMONY OF HANNAH BENTON, J.D., CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF SECTION 2 OF RAISED BILL NO. 5521, AN ACT CONCERNING CHILD WELFARE AND THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS March 19, 2010

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy. Through our TeamChild Juvenile Justice Project, I represent children in securing appropriate educational programming and improving academic outcomes by reducing high suspension, expulsion, and dropout rates.

We strongly support section 2 of Raised Bill No. 5521, An Act Concerning Child Welfare and the Juvenile Justice System and Erasure of Juvenile Records, which requires the automatic erasure of juvenile delinquency and family with service needs (FWSN) records in some circumstances.¹

Section 2 of Raised Bill No. 5521 provides for the **automatic erasure of a youth's records** when:

- two years have elapsed without further convictions since the youth was discharged from court supervision or from custody;
- the youth has had no pending juvenile or criminal proceedings;
- the youth has no convictions for serious juvenile offenses (SJOs); and
- the youth is at least seventeen years of age.

This bill only affects records of family with service needs (FWSN) and juvenile delinquency other than SJOs. This bill does not amend current law regarding erasure of records of SJOs.



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Although juvenile court records are confidential, youths can still suffer harm when these records are not erased:

1. Creates a Barrier to Employment, Further Education or Housing:

- **Through self-reporting:** Youths are not required to disclose juvenile records on employment or college applications when asked about a criminal record. However, a growing number of employers and colleges ask youths about juvenile court involvement.² In these cases, youth often admit to having a juvenile court record. Such self-reporting then creates a barrier to employment or further education.

¹ Section 3 of Raised Bill No. 5521 effects the same purpose after the maximum age of juvenile court jurisdiction is raised to seventeen on January 1, 2012.

² See, e.g., Darby Dickerson, *Background Checks in the University Admissions Process: An Overview of Legal and Policy Considerations*, 34 J. OF COLLEGE AND UNIV. LAW, 419, 464 (2008).

- **Through accidental reporting:** Juvenile records are accidentally reported, causing youth innumerable problems. These problems are particularly severe when private criminal record databases gain access to juvenile records. Youth whose records are accidentally reported face obstacles in obtaining employment, housing and education due to these records and struggle to have these records cleared from private databases.³
- 2. **Undermines process of rehabilitation:** Research suggests that a youth's self-perception as a delinquent, as well as others' perception of the youth as a delinquent, can lead to an increased likelihood of future offending.⁴ Expunging juvenile records is one way to help youths shed the label of "delinquent" and minimize the likelihood of future criminal justice involvement.

Unfortunately, even though children are less culpable than adults, many people view a record of juvenile misbehavior as one of adult crime. Consequently, the impact of a juvenile record can be large, preventing a youth from obtaining employment, housing or an education. When juvenile records are a barrier to a youth becoming a productive member of society, they undermine the process of rehabilitation and reduce community safety. Section 2 of Raised Bill No. 5521 helps youth avoid these obstacles and become contributing members of society by automatically erasing some juvenile records.

For the foregoing reasons, we urge you to support Raised Bill No. 5521. Thank you for your time and consideration.

Respectfully submitted,



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TeamChild Juvenile Justice Project

³ See, e.g., Kristin Henning, *ERODING CONFIDENTIALITY IN DELINQUENCY PROCEEDINGS: SHOULD SCHOOLS AND PUBLIC HOUSING AUTHORITIES BE NOTIFIED?*, 79 NYULR 520, 566-567 (2004) noting that schools, employers and public housing authorities have used confidential information about juvenile court involvement to exclude children and their families. See also *Juvenile Records Expungement: a Guide for Defense Attorneys in Pennsylvania*, Juvenile Law Center, 17 (2007) — "Having a juvenile court record, therefore, has long-lasting implications. Many adults who do not expunge their juvenile court record may have difficulty obtaining employment, getting financial aid, getting approved for housing, entering the military, [or] obtaining a driver's license...."

⁴ See, e.g., Anthony Petrosino et al., *Formal System Processing of Juveniles: Effects on Delinquency*, CAMPBELL SYSTEMATIC REVIEWS (2010) at 36; Dick Mendel, *In Juvenile Justice Care, Boys Get Worse*, YOUTH TODAY, February 1, 2010.